

REMARKS

Claims 1-25 and 33-35 were pending in the application.

Claims 26-32 and 36-45 are hereby cancelled, without prejudice. These claims are cancelled solely in response to the restriction requirement of the Examiner, and the cancellation should not be construed to in any way or manner to estop or otherwise limit or affect the rights of Applicant to all inventions (whether or not claimed) under the application as originally filed.

Claim 1 is hereby cancelled. Claim 2 is hereby amended by rewriting as an independent claim incorporating all of the limitation in the cancelled claim 1.

Claims 2, 16 and 16 are hereby amended.

1. Election in Response to Restriction.

Applicant hereby affirms the prior election (in response to restriction requirement) to prosecute the invention of the Group I claims 1-25 and 33-35 in this application.

2. Oath/Declaration.

Applicant reviewed the oath/declaration previously submitted. Applicant's form in the file has the correct title. Applicant, therefore, does not submit any new or revised declaration. If the Examiner, on next review, continues to believe that the form filed with the PTO includes an incorrect title, then Applicant will certainly submit another declaration with the applicable title.

3. Drawings.

Applicant acknowledges, and thanks the Examiner for pointing out, that the drawings originally submitted must be corrected to overcome the objections of the draftsman. At the appropriate time on allowance of claims in the application, Applicant will submit corrected drawings.

4. Specification.

Applicant notes that the Examiner is certainly correct that the claims section in the originally filed application should have begun on a separate page. Applicant herewith submits a clean sheet of the claims (as amended hereby) and requests that these sheets be replaced in the filed application to properly separate the claims from other portions of the specification.

5. Rejection of Claims 15, 16 and 19 under 35 USC 112, second paragraph.

The rejected claims are hereby amended to provide the antecedent basis and to substitute the terms suggested by the Examiner.

6. Rejection of Claims 1-11, 15-22, 24, 25 and 33-35 under 35 USC 102(a) as anticipated by EBAY.

The Examiner rejected the applicable claims as being anticipated by the EBAY references. Claim 1 has been cancelled, and claim 2 is hereby amended to include all of the limitations in claim 1.

A fundamental precept of Applicant's invention, as originally described in the application and claims, is to provide new systems and methods for consumer activism. In this respect, it is noteworthy and critical that the company subject to consumer comments be "notified" and then allowed to "query" and "respond" to the comments. Although the cited EBAY reference appears to include a "Feedback Forum", close examination of the reference and the purposes thereof show that such "Feedback Forum" does not provide important aspects of Applicant's invention described in the claims.

Beyond these clear nuances and distinctions in Applicant's claimed invention versus EBAY (hereinafter discussed in further detail), Applicant points out that the dating and relevance of the purported references cited by the Examiner are questionable. Particularly, the EBAY

website references are current printouts of the website (i.e., as of December 6, 2001) and do not precede the date of filing of Applicant. Moreover, the U.S. New & World Report article cited by the Examiner is dated September 27, 1999, several months after Applicant's filing date. Only the PC World article predates Applicant's filing date. Applicant submits that its invention predates the PC World article in any event. Applicant believes that submission of evidence of the predating is not necessary, however, in order for the Examiner to recognize the patentability of the claims – that is, Applicant believes the nuances and distinctions in Applicant's claimed invention versus EBAY merit withdrawal of the rejections and allowance of the amended claims, all as now fully described.

As earlier mentioned herein, Applicant's claimed invention expressly includes "notifying" the company of a consumer's comments and "querying" by the company in order to access the comments (e.g., amended claim 2). Moreover, as provided in limitations of the amended dependent claims of the application (e.g., amended claim 3), Applicant's claimed invention further can include "forwarding" the consumer comments to the company, in order to apprise and make aware the company of the comments. These features of Applicant's claimed invention are not present in EBAY. Moreover, the EBAY "Feedback Forum" has specific purpose of bulletin board-type posting of messages between buyers and sellers registered with EBAY to use the website. Applicant's claimed invention provides the specific feature of "notifying" as a consumer activist/advocacy forum, whereby an applicable company is "notified" if and when a comment is received from the consumer. The EBAY "Feedback Forum" does not perform such a notification feature, because the EBAY site's different purpose of allowing registered buyers and sellers to communicate through EBAY serves EBAY's purposes of maintaining control of the sales process in order that buyers and sellers do not circumvent

payment to EBAY.

In short, Applicant's claimed invention specifically provides the element of "notifying" the company of any received consumer comment applicable to the company. The Examiner cited EBAY excerpt #6 for the proposition of "notification". On examination of excerpt #6, in view of EBAY's purposes in connection with its auctions, it is apparent that there is not any mechanism of EBAY for "notifying" the company of any particular consumer comment. In fact, the only notification provided by EBAY to the seller EBAY (if any notification, whatsoever) is the so-called "Bidding and Selling Daily Status". There is not any mechanism disclosed, nor is any such mechanism suggested or taught, from EBAY that there is any "notification" of specifically applicable comments lodged by the consumer or, moreover, that any such notification is provided particularly to the applicable company if any is received. Clearly, the EBAY purpose of providing and regulating auctions among anonymous buyers and sellers does not, and can not, provide the consumer activism approach for notifying companies of consumer comments.

The claims have been amended to more specifically and distinctly point out the significance of the notifying feature of Applicant's claimed invention. Applicant respectfully submits that the claims, as amended, are allowable and requests that the rejection be withdrawn.

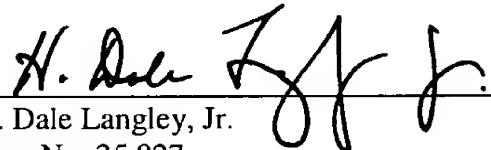
7. Rejection of Claims 12-14 and 23 under 35 USC 103(a) as unpatentable over Himmel.

The rejection must fail for the reasons stated above regarding the EBAY reference. Particularly, EBAY does not provide the base concepts and features specifically listed as elements of Applicant's invention in the amended claims.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections, reconsideration of the claims as amended, and allowance of all the remaining pending claims in the application.

Respectfully submitted,

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Version Of Claims With Markings Showing Where Changes Were Made:

2. (Amended) A method of providing customer service interactions via a communication network, comprising:

receiving a comment about a company or a company's products and services from a consumer of the company;

storing the comment;

providing access to the comment via the communication network;

[The method of claim 1, further comprising:]

sending notification to the company that the comment has been received;

receiving a query from the company;

receiving a response to the comment from the company;

storing the response from the company; and

providing access to the response via the communication network.

17. (Amended) The method of claim [2] 3, further comprising:

said storing the comment comprising storing the comment in a database of a server computer coupled to the communication network; and

said forwarding the comment to the company comprising e-mailing the comment to the company from the database via the communication network.

18. (Amended) The method of claim [2] 3, further comprising:

embedding a hyperlink into an e-mail notification;

said sending a notification to the company comprising sending the e-mail
notification to a company; and

said receiving a query and forwarding the comment to the company comprising
providing access to the company in response to selection of the embedded hyperlink.